



12.06.04

IFW

Docket No: AM101277  
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Reinhardt B. BAUDY & John A. BUTERA  
Application No.: 10/820,216 Group Art No.:  
Filed: April 7, 2004 Examiner:  
For: Derivatives of [2-(8,9-Dioxo-2,6-Diazabicyclo[5.2.0]Non-1(7)-en-2-yl)  
Alkyl] Phosphonic Acid And Methods Of Use Thereof  
Confirmation No.: 7281  
Customer Number: 25291

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

1. Preliminary Statements

In accordance with 37 CFR 1.97 and 1.98, Applicants submit herewith patents, publications, or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56. This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) the information is material to the examination of this application; (iii) additional information material to the examination of this application does not exist; (iv) the information, protocols, results and the like reported by third parties are accurate or enabling; or (v) the information constitutes prior art to the subject invention.

**CERTIFICATE OF MAILING 37 CFR §1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EU733072450US addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

December 3, 2004  
Date

Paula L. Dickey  
Paula L. Dickey

2. Identification of Time of Filing

This Information Disclosure Statement

- a. ☐ is filed within three months of the filing date of the application.
- b. ☒ is filed before the mailing date of a first Office Action on the merits.
- c. ☐ is filed before the mailing date of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- d. ☐ is filed after the period specified in 2(a), 2(b) or 2(c) above, but before the mailing date of a final action under 37 CFR 1.311. This statement includes a certification under 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p).
- e. ☐ is filed after the mailing date of a final action or Notice of Allowance but before payment of the issue fee. This statement includes (i) a certification under 37 CFR 1.97(e), and (ii) the fee set forth in 37 CFR 1.17(p).

3. ☐ Certification under 37 CFR 1.97(e) and 1.704(d)  
The undersigned attorney certifies

- a. ☐ that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement.
- c. ☐ certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign application patent office in a counterpart foreign application and was not received by any individual designated in 37 CFR 1.56(c) more than thirty (30) days prior to the filing of the statement.

☒ Newly Cited Information  
A legible copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed, except that if this patent application was filed or entered the national stage after June 30, 2003, no copy of a U.S. patent or U.S. patent application publication is enclosed.

☐ Previously Cited Information  
No copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed because it has been previously cited by or submitted to the Office in a prior application which is relied upon for an earlier filing date under 35 USC 120.  
Prior application is Application Number \_\_\_\_\_, filed on \_\_\_\_\_ of \_\_\_\_\_ for \_\_\_\_\_

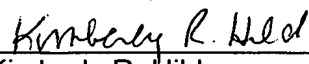
- ☐ Concise Explanation  
Documents cited above which are not in the English Language
- a. ☐ have been explained in the specification.
- b. ☐ have an abstract (or other concise explanation) in English enclosed or if readily available a translation into English of the document is enclosed.

Form PTO-1449 is enclosed in duplicate.

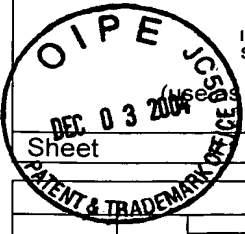
- ☐ Fees
- ☐ Fee for filing under 37 CFR 1.97(c) or (d) Fee: \$180.00

Method of Payment of Fees:  
Charge Deposit Account No. 01-1425 in the amount of  
A duplicate of this statement is enclosed.

Instructions as to Overpayment/Underpayment:  
Credit any overpayment and charge any underpayment to Deposit Account No. 01-1425.

  
\_\_\_\_\_  
Kimberly R. Hild  
Attorney for Applicants  
Reg. No. 39,224

Wyeth  
Patent Law Department  
Five Giralda Farms  
Madison, NJ 07940  
Tel. No. (484) 865 8610

Substitute for form 1449/PTO		<b>Complete if Known</b>	
 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	10/820,216
		Filing Date	April 7, 2004
		First Named Inventor	BAUDY et al.
		Group Art Unit	
		Examiner Name	
Sheet	1 of 1	Attorney Docket Number	AM101277

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number (If known)	Kind Code (If Known)			
	1.	10/961,871		Benjamin et al.	Not Published	
	2.	2004/0082543	A1	Pharmacia Corporation	04-29-2004	

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	Number	Kind Code (If Known)				
	3.	WO	2004/039371	A2	Pharmacia Corporation	05-13-2004		<input type="checkbox"/>

### OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
	4.	KINNEY W.A., et al., Journal of Medicinal Chemistry, 35(25), 4720-4726 (1992).	<input type="checkbox"/>
	5.	HATSE S., et al., Molecular Pharmacology, 50(5), 1231-1242 (1996).	
	6.	FARQUHAR D, et al., Journal of Pharmaceutical Sciences, 72(3), 324-325 (1983).	
	7.	LOMBAERT S DE, et al., Journal of Medicinal Chemistry, 37(4), 498-511 (1994).	
	8.	STARRETT J.E., et al., Journal of Medicinal Chemistry, 37(12), 1857-1864 (1994).	
	9.	FARQUHAR D, et al., Journal of Medicinal Chemistry, 37(23), 3902-3909 (1994).	
	10.	LEFEBVRE I, et al., Journal of Medicinal Chemistry, 38(20), 3941-3950 (1995).	
	11.	OLIYAI R, et al., Nucleosides, Nucleotides & Nucleic Acids, 20(4-7), 1295-1298 (2001).	
	12.	YUAN L.C., et al., Pharmaceutical Research, 18(2), 234-237 (2001).	
	13.	FRANKOVA D, et al., Nucleosides & Nucleotides, 18(4/5), 955-958 (1999).	
	14.	EISENBERG E J, et al., Nucleosides, Nucleotides & Nucleic Acids, 20(4-7), 1091-1098 (2001).	
	15.	ROBBINS B L, et al., Antimicrobial Agents and Chemotherapy, 42(3), 612-617 (1998).	
	16.	NAESENS L., et al., Antimicrobial Agents and Chemotherapy, 42(7), 1568-1573 (1998).	
	17.	MULATO A.S., et al., Antimicrobial Agents and Chemotherapy, 42(7), 1998-07 (1998).	
	18.	KAHN S.R., et al., Tetrahedron Letters, 40(4), 607-610 (1999).	

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.